

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:18-CV-461-FL

JOHN LAAKE a/k/a Winter Laake,)	
)	
Plaintiff,)	
)	
v.)	
)	
LULU ENTERPRISES, INC. a/k/a Lulu)	ORDER
Press, Inc.,)	
)	
Defendant.)	

This matter is before the court on plaintiffs' motion for leave to proceed in forma pauperis (DE 1). United States Magistrate Judge Robert T. Numbers, II, entered a memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended that the court dismiss plaintiff's complaint for failure to assert a viable claim, without prejudice and with leave to amend. Upon careful review of the M&R and the record generally, finding no error in this determination, the court ADOPTS the findings and recommendations of the magistrate judge. Accordingly, plaintiff's complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B).

However, plaintiff has filed a motion (DE 8) to file an amended complaint in sixty days. The magistrate judge granted plaintiff leave to file an amended complaint, and plaintiff may file an amended complaint once as a matter of course before service. See Fed. R. Civ. P. 15(a). Thus, plaintiff's motion for leave to amend is GRANTED, and plaintiff may file an amended complaint on or before **February 12, 2019**. If plaintiff files an amended complaint within that time, the court DIRECTS the clerk to refer the amended complaint to the magistrate judge again for review

pursuant to § 1915(e)(2)(B). If plaintiff does not file an amended complaint within that time, the court DIRECTS the clerk to close this case.

SO ORDERED, this the 14th day of December, 2018.



LOUISE W. FLANAGAN
United States District Judge